

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL T. FLYNN,

Defendant.

Criminal Action No. 17-232-EGS

**CONSENT APPLICATION TO RESET HEARING DATE AND
MEMORANDUM OF LAW IN SUPPORT OF APPLICATION**

Pursuant to Local Criminal Rule 57.2(b), Defendant Michael T. Flynn (“Mr. Flynn”) seeks to reset the hearing on Mr. Flynn’s Motion to Compel Production of Brady Material and for an Order to Show Cause from November 5, 2019 to November 4, 2019, November 7, 2019, or to a time that is convenient to the Court and the parties. Mr. Flynn does not seek to change the briefing schedule for that motion. Good cause exists to reset the hearing date because Jesse Binnall, counsel for Mr. Flynn, is in a previously scheduled hearing for a different matter on the date that is currently scheduled in this matter. Mr. Binnall is local counsel to Mr. Flynn and is admitted to the bar of this Court. Mr. Flynn has complied with Local Criminal Rule 57.2(b) by notifying the government of this application. The government consents to this application so long as the hearing is reset for the same week as it is currently scheduled.

Pursuant to the Federal Rules of Criminal Procedure, “the court may extend the time, or for good cause may do so on a party’s motion made: before the originally prescribed or previously extended time expires.” Fed. R. Crim. P. 45(b)(1)(A). Good cause exists here because:

1. A status conference was held on September 10, 2019 in this matter. During that conference, the Court set a hearing for the Motion to Compel Production of Brady Material and for an Order to Show Cause for October 31, 2019 as well as scheduled briefing deadlines for that motion.
2. On September 18, 2019, this Court changed the previously scheduled hearing date from October 31, 2019 to November 5, 2019.
3. Unfortunately, counsel for Mr. Flynn has a previously set two-day hearing in another matter in Fairfax County on November 5-6, 2019, and is therefore unavailable on November 5, 2019.
4. Consequently, counsel for Mr. Flynn met and conferred with the government's counsel on September 20, 2019 who indicated that they "are available any day the week of November 4th, and have no objection to moving the hearing date to any day that week. However, we would object to any continuance beyond that."
5. Thus, the government limitedly consents to the request of this application.
6. This application timely followed.

CONCLUSION

For these reasons, Mr. Flynn respectfully requests an Order resetting the hearing on Mr. Flynn's Motion to Compel Production of Brady Material and for an Order to Show Cause from November 5, 2019 to November 4, 2019, November 7, 2019, or a time that is convenient to the Court.

Dated: September 20, 2019

Respectfully submitted,

/s/ Jesse R. Binnall
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CERTIFICATE OF SERVICE

I hereby certify that, on September 20, 2019, true and genuine copies of Mr. Flynn's Consent Application to Reset Hearing Date and Memorandum in Support of the Application were served via electronic mail by the Court's CM/ECF system to all counsel of record, including:

Jessie K. Liu, U.S. Attorney for the District of Columbia
Brandon L. Van Grack, Special Assistant U.S. Attorney
Deborah Curtis, Assistant U.S. Attorney
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Respectfully submitted,

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ORDER GRANTING APPLICATION TO RESET HEARING DATE

Mr. Flynn seeks to reset the hearing on his Motion to Compel Production of Brady Material and for an Order to Show Cause.

Mr. Flynn's application is GRANTED.

THE COURT ORDERS that the hearing on the Motion to Compel Production of Brady Material is reset from November 5, 2019 to _____, 2019.

SO ORDERED.

Date: _____

The Honorable Emmet G. Sullivan, Jr.
United States District Judge